



STATE OF TENNESSEE
Tennessee Bureau of Investigation

**REQUEST FOR PROPOSALS # 34800-110521
AMENDMENT # 2
FOR ELECTRONIC FINGERPRINT SERVICES FOR
APPLICANTS**

DATE: 4/22/22

RFP # 34800-110521 IS AMENDED AS FOLLOWS:

- 1. This RFP Schedule of Events updates and confirms scheduled RFP dates. Any event, time, or date containing revised or new text is highlighted.**

EVENT	TIME (central time zone)	DATE
1. RFP Issued		March 28, 2022
2. Disability Accommodation Request Deadline	2:00 p.m.	April 1, 2022
3. Notice of Intent to Respond Deadline	2:00 p.m.	April 6, 2022
4. Written "Questions & Comments" Deadline	2:00 p.m.	April 12, 2022
5. State Response to Written "Questions & Comments"		April 22, 2022
6. Response Deadline	2:00 p.m.	May 2, 2022
7. State Completion of Technical Response Evaluations		May 6, 2022
8. State Opening & Scoring of Cost Proposals	2:00 p.m.	May 9, 2022
9. Negotiations (Optional)		May 9, 2022-May 12, 2022
10. State Notice of Intent to Award Released <u>and</u> RFP Files Opened for Public Inspection	2:00 p.m.	May 12, 2022
11. End of Open File Period		May 19, 2022
12. State sends contract to Contractor for signature		May 20, 2022
13. Contractor Signature Deadline	2:00 p.m.	May 24, 2022

- 2. State responses to questions and comments in the table below amend and clarify this RFP.**

Any restatement of RFP text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFP document.

RFP SECTION	PAGE #	QUESTION / COMMENT	STATE RESPONSE
1.1.	2	1. I would like to ask if this RFP # 34800-110521 has an estimated contract value available?	As a revenue contract, there is no estimated contract value.
Pro forma A.6.	3	2. Procuring Party shall provide electronic fingerprinting services in each county of the State. Counties with a population of over one hundred thousand (100,000) persons shall require multiple fingerprinting Facilities to provide adequate coverage. Please clarify the timeline requirement, from date of award, for multiple fingerprinting Facilities in counties with a population over one hundred thousand to be fully functioning?	Please see Item #3 through #6 below.
Pro forma A.6.	3	3. Procuring Party shall provide electronic fingerprinting services in each county of the State. Counties with a population of over one hundred thousand (100,000) persons shall require multiple fingerprinting Facilities to provide adequate coverage. Please clarify the timeline requirement, from date of award, for the multiple fingerprinting Facilities in less populated counties to be fully functioning?	Please see Item #3 through #6 below
Pro forma A.6.-A.7.	3	4. A.6 Procuring Party shall provide electronic fingerprinting services in each county of the State. A.7 Procuring Party is responsible for maintaining sufficient Facilities and personnel to provide each area of the State with fingerprinting services in accordance with the requirements of the Contract. Please clarify if the State is requiring the Procuring Party to provide physical Facility spaces for collecting Applicant fingerprints in all 95 counties of Tennessee, or, if the State is requiring the Procuring Party to provide a sufficient network of Facility spaces across Tennessee, in order to provide fingerprinting services to Applicants in each county?	Procuring Party must provide a physical Facility space for collecting Applicant fingerprints in all 95 counties.

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Pro forma A.6.	3	<p>5. Procuring Party shall provide electronic fingerprinting services in each county of the State.</p> <p>Would the State consider county coverage to be met if one or more of the following conditions are met:</p> <ul style="list-style-type: none"> • County is included as part of the "statistical area as defined by the United States Census Bureau" of one of more neighboring counties • County population is less than 30,000, and one or more enrollment facilities are located within 30 miles of the county seat 	No. Facilities must be in each of the 95 counties within Tennessee.
Pro forma A.7.	3	<p>6. Procuring Party shall maintain at least three (3) Mobile Units that are operational and at the State's written request can be deployed within twenty-four (24) hours.</p> <p>1) What is the intent for usage for the mobile units? 2) Is it the intent of the State for the mobile unit to be physically operated by the State, or by the Procuring Party?</p>	<p>The intent could include an emergency deployment when a Facility is uninhabitable due to a flood, tornado, fire, etc. It also could be a situation in which there is a need by the State to increase resources in a certain location.</p> <p>The mobile unit shall be physically operated by the Procuring Party.</p>
Pro forma A.8.	3	<p>7. Procuring Party shall make the electronic fingerprinting services available, at a minimum, Tuesday through Saturday from 10:00 a.m. to 7:00 p.m. Central Time, State holidays excluded</p> <p>Please advise if alternate days and hours of operation are acceptable with agreement from the State.</p>	Counties with multiple Facilities must have at least one Facility operating at the minimum required days and hours and additional Facilities may with State's permission operate on alternate days and hours of operation. Minimum hours and days must be met for counties with only one Facility. Please see item #10 below
Pro forma A.7.	3	<p>8. Attachment C provides historical data per county to use as basis for coverage.</p> <p>Attachment C on RFP page 131, does not provide historical data by county, but rather data on 50 cities. Please provide the historical data by county as referenced.</p>	State will revise Attachment C title to Geographic Historical Data. Please see Item #7 below and new attachment C, as well as Item #8.
Pro Forma A.23.	5	<p>9. Procuring Party shall provide a physical address to Qualified Entities for Submission of Hard</p>	No. Any submission from outside the State must be handled via a hard copy submission.

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		<p>Copy Fingerprint Cards. Procuring Party shall scan the Hard Copy Fingerprint Card and send to the State via the Live-scan Device as if the individual was printed on the Live-scan Device.</p> <p>Will the State accept Live-scan fingerprints/submissions electronically captured at vendor managed Facilities outside of the State of Tennessee in addition to the stated required Hard Copy Fingerprint Card conversion requirement?</p>	
RFP Section 3.1.1.2.	6	<p>10. A response should be economically prepared, with emphasis on completeness and clarity. A response, as well as any reference material presented, must be written in English and must be written on standard 8 1/2" x 11" pages (although oversize exhibits are permissible) and use a 12 point font for text. All response pages must be numbered</p> <p>Will the State permit 10-point font size be used in Respondent's tables and graphics?</p>	Yes, however the Respondent is fully responsible for making sure that any text in tables and graphs is legible.
RFP Attachment 6.4	25	11. May respondents substitute questionnaires with individual experience on contracts of similar size and scope?	References are not a scored item under the RFP and the respondent should describe their technical and general qualifications within their response to the solicitation, however the State will not accept substitutions for the reference template.
RFP Attachment 6.4	25	12. Can we provide questionnaires related to individual experience of our core team vs. corporate performance?	References can come from individuals but must be references for the Respondent, not individual employees of the Respondent.
N/A	N/A	13. There is not a TN AFIS Interface Control Document (ICD), or Data Dictionary included in the RFP. Can the State provide these documents?	The State will not provide these documents. The State does not believe that these documents are relevant because the Contractor is expected to interface with TBI's system and not directly with AFIS.
RFP section 3.3.3 and 3.6	8 and 9	14. Can the State clarify its position on alternative goods and services? Section 3.3.3 states that alternative goods and services should not be proposed and may serve to cause rejection of the bid.	A respondent must at minimum meet the requirements for the goods and services outlined within the Pro Forma. Each respondent's approach may differ in order to meet these requirements. If a respondent

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		Section 3.6 says if the responder does offer additional goods or services, the State may add these services to the contract. Can the State please clarify whether additional goods and services can be proposed?	chooses to propose additional goods and services above and beyond what is required in the contract they may do so, but they may not propose any additional cost amounts or rates for additional goods and services. Regardless of any additional services offered in the response, the Respondent's Cost Proposal must only record the proposed cost as required in the RFP.
N/A	N/A	15. Above and beyond the pricing provided in this contract, may additional value-added products related to the capture of fingerprints or services under this contract be marketed and contracted with other TN State agencies? For example, can out of state processing fees, duplicate capture, or agency-specific dashboards be separately contracted for?	No. Any additional contract for additional services would need to be contemplated at a time in the future. This Contract is for the services as stated in the Pro Forma Contract.
Pro Forma A.12. Attachment A		16. Can an FBI Certified live-scan device be certified/approved by the State post submission of an RFP response if that device is certified/approved by the time the contract must go live?	At this time the State is not adding new certified or approved devices prior to effective date.
Pro Forma A.12. Attachment A		17. Attachment A lists approved State vendors for live-scan devices that primarily are resellers, not manufacturers of live-scan devices. Can the State please provide a list of the actual approved live-scan devices?	The device is not simply a device but one that has been programmed to communicate with the TBI. The resellers listed are ones that have been authorized by the TBI to program the devices according to TBI specifications.
Pro Forma A.12. Attachment A		18. Is it the State's intent to limit acquisition of live-scan devices through these listed vendors only?	At this time, yes. Please see response to Question 16.
RFP Attachment 6.2-B, item B.14		19. If third party applicant service providers (sometimes referred to as partners) are used, should each be listed as a subcontractor as prescribed by Section B.14?	Yes
RFP Attachment 6.2-B, item B.14		20. In order to ensure that each subcontractor has actually assented, is a signed letter of assent required for each?	No
Pro Forma C.2.		21. Are any services provided under this contract subject to sales tax?	Respondents should consult with their own tax professionals.
Pro Forma C.2.		22. Is the selected vendor able to pass on a nominal fee to applicants to offset costs	the fees proposed by the respondent in Attachment 6.3 Cost Proposal and

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		associated with credit card processing?	Scoring guide should be inclusive of the respondent's costs
RFP Attachment 6.2-B, item B.17		23. Must debarments or suspensions outside of the U.S. by a respondent, its parent, or its affiliate companies be disclosed by respondents?	Respondents should include all debarments or suspensions whether in the USA or elsewhere. Please see Item #9 below
RFP Pro Forma Contract, Attachment A, Clause A.26		24. The task table indicates a 30-day implementation schedule from the Contract Effective Date. Our experience is that a 9- 12-week implementation is the norm for a State-wide applicant fingerprint system delivery. Will the State consider a longer implementation schedule so as not to discourage competition?	See Response to Question 3 above.
RFP section 3.3.	8	25. While a response must not propose alternative goods or services, may vendors offer an alternative method to delivering the same goods or services?	Each respondent will inherently have a different approach to meeting the State's needs. A response however, may not be an alternative to the requirements of the State's contract. A response proposed by the respondent must meet all requirements of the State as written in the Pro Forma Contract.
RFP Pro Forma A.5 and A.26		26. Can TBI please clarify how many days the awarded vendor has to implement an operational solution and begin delivering services once the contract has been awarded?	See Response to Question 3 above.
RFP Pro Forma A.12		27. This section indicates that only listed Livescan equipment in Appendix A is considered acceptable by the State. Can a vendor request to be added to this document if they are not currently included?	See Response to Question 16 above.

3. Delete RFP Pro Forma section A.2. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

- A.2. Definitions. For purposes of this Contract, definitions shall be as follows and as set forth in the Contract:
- Applicants are individuals applying for employment, licensing, volunteering opportunities or other statutorily permissible reason to be fingerprinted for a non-criminal justice purpose.
 - Electronic Biometric Transmission Specification (EBTS) is a Federal Bureau of Investigation (FBI) specification that dictates the capture and transmittal of fingerprints and Applicant information.

- c. Facility shall mean a physical location capable of adequately housing necessary equipment and personnel in order to fulfill the terms of this Contract that shall include the taking and Submission of fingerprints.
- d. Fully operational is defined as a Facility that is fully staffed and open to the public in order to meet the requirements of this Contract.
- e. Hard Copy Fingerprint Card means the paper copy of fingerprints that are inked and rolled on the FBI Applicant Fingerprint Card FD-258.
- f. International Adoption is a category of Mandated Fees the State is required to collect.
- g. Live-scan Device is the device used to capture and transmit prints to the State. See Attachment A for a list of the State's acceptable Live-scan Devices.
- h. Mandated Fees are the fees the State is required to collect for responding to requests for criminal background checks from Qualified Entities. Tenn. Code Ann. § 38-6-109 requires the State to follow the current FBI fee schedule for these background checks.
- i. Mobile Unit is an all inclusive, full service fingerprinting unit that is easily moved between counties and locations.
- j. NIST Packet is the National Institute of Standards and Technology (NIST) standard packet. This includes personally identifiable information on the Applicant and other information such as identifying the reason for printing and the entity requesting the printing.
- k. Originating Identifier (ORI) is a nine-character identifier containing both alpha and numeric characters assigned by FBI CJIS which validates legal authorization to access Criminal Justice Information (CJI) and identifies the agency in all transactions.
- l. Particular Qualified Entity shall mean a Qualified Entity that Processes at least two thousand four hundred (2400) Applicants per calendar year under that entity's own Originating Identifier (ORI).
- m. Process (or "Processing") shall mean collection of all Applicant information and prints necessary for the NIST Packet and collection of all fees from Applicant or Qualified Entity.
- n. Processing and Submission Fee is a total amount collected by Procuring Party from Applicants and/or Qualified Entities. Processing and Submission Fees shall include Mandated Fees. It is expected that the Processing and Submission Fees will be greater than the Mandated Fees.
- o. Qualified Entity is an entity that is statutorily permitted to request fingerprint criminal background checks on Applicants for a non-criminal justice purpose.
- p. Rejection shall mean when the Tennessee Bureau of Investigation (TBI) or FBI cannot run the Applicant's prints due to poor print quality.
- q. Resubmission shall mean when the Procuring Party must reprint the Applicant's fingerprints because there was a Rejection by the TBI or FBI and must resend the "new" prints to the State.
- r. Scheduling shall mean the act by the Procuring Party to arrange for a time and place for Applicant to be printed.
- s. State of Emergency shall be declared by the Governor of the State of Tennessee as set forth in Tenn. Code Ann. § 58-2-107.
- t. Submission (or "Submitting") shall mean the act of transmitting Applicant fingerprints via secure electronic means and the successful delivery to State's designated email address.
- u. Transaction Control Record (TCR) is a description of Applicant, Qualified Entity Submitting, and the fingerprints submitted to the State.
- v. Transaction Control Number (TCN) is the number assigned to the TCR when Submitted to the State.
- w. Volunteer is a category of Mandated Fees the State is required to collect.

4. Delete RFP Pro Forma section A.6. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.6. Procuring Party shall be responsible for providing all necessary Facility spaces for collecting and submitting Applicant fingerprints. Procuring Party shall provide electronic fingerprinting services in each county of the State. Counties with a population of over one hundred thousand (100,000) persons shall require multiple fingerprinting Facilities to provide

adequate coverage. Initial counties requiring multiple Facilities shall include Shelby, Davidson, Hamilton, Knox, the Washington/Sullivan counties area, Montgomery, Rutherford, Sumner, Williamson and Wilson. **All Facilities must be fully operational by October 1, 2022.**

5. **Delete RFP Pro Forma section A.21. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):**

A.21. Procuring Party shall perform necessary installation and testing of Live-scan Devices and any other necessary equipment. All functionality shall be tested no later than **ninety (90)** days after the Effective Date of this Contract.

6. **Delete RFP Pro Forma section A.26. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):**

A.26. Procuring Party shall accomplish the following tasks on or prior to the due date:

TASK	DUE DATE
All necessary equipment purchased and calibrated A.11 and A.12.	Sixty (60) calendar days after Contract Effective Date
Successful Submission of test data A.11	Ninety (90) calendar days after Contract Effective Date
All Procuring Party's employees background checks completed and approved by State A.18.	Ninety (90) calendar days after Contract Effective Date
All necessary equipment successfully installed and tested A.21.	Ninety (90) calendar days after Contract Effective Date
All Facilities fully operational	One Hundred Twenty (120) calendar days after Contract Effective Date

7. **Delete RFP Pro Forma Attachment C in its entirety and replace it with new Attachment C**

8. **Delete RFP Pro Forma section A.26. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):**

A.7. Procuring Party is responsible for maintaining sufficient Facilities and personnel to provide each area of the State with fingerprinting services in accordance with the requirements of the Contract. Attachment C provides historical data ~~per county to use as basis for coverage~~ to assist **Procuring Party in providing required coverage**. Procuring Party shall maintain at least three (3) Mobile Units that are operational and at the State's written request can be deployed within twenty-four (24) hours.

9. **Delete RFP Attachment 6.2—Section B, item B.17. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):**

B.17.	<p>Provide a statement and any relevant details addressing whether the Respondent is any of the following:</p> <ul style="list-style-type: none"> (a) is presently debarred, suspended, proposed for debarment, or voluntarily excluded from covered transactions by any international, federal or state department or agency; (b) has within the past three (3) years, been convicted of, or had a civil judgment rendered against the contracting party from commission of fraud, or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (international, federal, state, or local) transaction or grant under a public transaction; violation of federal or state antitrust statutes or commission
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		<p>of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;</p> <p>(c) is presently indicted or otherwise criminally or civilly charged by a government entity (international, federal, state, or local) with commission of any of the offenses detailed above; and</p> <p>(d) has within a three (3) year period preceding the contract had one or more public transactions (international, federal, state, or local) terminated for cause or default.</p>
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10. Delete RFP Pro Forma section A.8. in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.8. Procuring Party shall make the electronic fingerprinting services available, at a minimum, Tuesday through Saturday from 10:00 a.m. to 7:00 p.m. Central Time, State holidays excluded. Counties with multiple Facilities must have at least one Facility operating at the minimum required days and hours and additional Facilities may with State's permission operate on alternate days and hours of operation. Minimum hours and days must be met for counties with only one Facility.

11. RFP Amendment Effective Date. The revisions set forth herein shall be effective upon release. All other terms and conditions of this RFP not expressly amended herein shall remain in full force and effect.